

Appl. No.: 10/029,933  
Amdt. dated 06/22/2006  
Reply to Office action of 03/22/2006

### **REMARKS**

This response is submitted in reply to the Office Action dated March 22, 2006. Claims 1-7 currently stand rejected and are the only pending claims in the application. Applicant respectfully traverses.

In light of the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present invention.

#### **Supplemental Declaration**

It is respectfully submitted that the Applicant's attorney conducted a telephone interview with the Examiner on March 28, 2006, during which time the Examiner agreed to accept the Supplemental Declaration filed January 14, 2003. As such, the Examiner has indicated that the "Applicant" can now be indicated as the correct inventor, namely "Benoist Sebire", on all subsequent communications with the U.S. Patent and Trademark Office. The Examiner requested that the statement above be included along with this response in order to ensure that his decision is evidenced in the record. Applicants appreciate the Examiner's consideration regarding this matter.

#### **Claim Rejections - 35 USC §103**

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vedrine (U.S. Patent No. 6,707,808) in view of Chillariga et al. (U.S. Patent Publication No. 2001/0030956, hereinafter "Chillariga"). Applicants respectfully traverse.

Independent claim 1 recites, *inter alia*, allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block. In other words, the code indicates to the mobile station that the mobile station is a target for the radio block. For example, the code defines the destination for the data signal.

As conceded in the Office Action, Vedrine fails to teach or suggest a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station

that the mobile station is a target for the radio block as claimed in independent claim 1. As such, the Office Action cites Chillariga as teaching such feature. Chillariga is directed to a system for dynamic channel allocation whereby an Uplink Status Flag (USF) is transmitted on each downlink radio block. The USF is used to reserve a set of one or more subsequent uplink radio blocks for a specific mobile station from among a set of mobile stations sharing the uplink packet data channel. As such, Chillariga discloses inclusion of the USF in downlink messages in order to indicate a set of particular radio blocks which are to be used by a specific mobile station when sending uplink signals back to the base station thereby ensuring that mobile stations that share an uplink channel do not attempt to transmit using the same radio block. Thus, Chillariga fails to teach or suggest that the USG is used to indicate to the mobile station that the mobile station is a target for the radio block as claimed in independent claim 1. In fact, Chillariga discloses the entirely unrelated purpose described above of ensuring that mobile stations that share an uplink channel do not attempt to transmit using the same radio block.

Additionally, as described in paragraph [0030] of Chillariga, a downlink radio block may be destined for a particular mobile station (MS-A). However, the USF being carried by that downlink radio block may be targeted at a different mobile station (MS-B). Thus, downlink power control must be performed in such a way that the radio block can be decoded properly by both MS-A and MS-B. Therefore, paragraph [0030] of Chillariga provides further evidence that Chillariga fails to teach or suggest that the USG is used to indicate to the mobile station that the mobile station is a target for the radio block as claimed in independent claim 1, but instead merely that the USFs are used to allocate uplink radio blocks to mobile stations. In fact, paragraph [0030] of Chillariga indicates further that a USF to indicate uplink blocks for a particular mobile station is not necessarily transmitted in a downlink block intended for that mobile station. To the contrary, Chillariga instead discloses that the USF may be transmitted in any downlink radio block intended for any mobile station and thus the USF of Chillariga is, in any case, not a locally unique code as claimed in independent claim 1.

In addition to the differences above, paragraph [0079] of Chillariga discloses a set of reservation bursts distributed across the downlink multiframe for USF transmission. Each reserved burst contains USF information for the set of radio blocks following the burst. For

example, as described in Chillariga, four bursts (0, 14, 28 and 42) are reserved and each of these bursts carries uplink reservation information for the next three radio blocks. Thus, unlike the claimed invention, Chillariga fails to teach or suggest that a whole of the code is included in each burst as claimed in independent claim 1.

Thus, both Chillariga and Verdine fail to teach or suggest allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block as claimed in independent claim 1. Therefore, the cited references, taken either individually or in combination, fail to render independent claim 1 obvious. Independent claim 4 contains similar subject matter as that of independent claim 1 at least with respect to the feature recited above. Thus independent claim 4 is patentable for at least the same reasons given above for independent claim 1. Claims 2, 3 and 5-7 depend either directly or indirectly from respective ones of independent claims 1 and 4, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 3 and 5-7 are patentable for at least those reasons given above for independent claims 1 and 4.

Applicant also notes that Vedrine also discloses the USF of Chillariga at col. 5, lines 19-26 of Vedrine in which it is disclosed that different users can be multiplexed on the same time slot by alternately allocating 20ms radio blocks to different users by using USFs, which assign particular time slots for use by specific mobile stations on the uplink. Thus, the use of a USF as the unique code recited in independent claim 1 would not be compatible with the system of Vedrine since Vedrine would no longer have the ability to designate uplink radio blocks to be used by the mobile station.

Thus, for all the reasons stated above, Applicants respectfully submit that the rejections of claims 1-7 are overcome.

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### **CONCLUSION**

In view of the remarks presented above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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